

**SUPREME COURT MINUTES
WEDNESDAY, APRIL 23, 2003
SAN FRANCISCO, CALIFORNIA**

S113295

B156216 Second Appellate District,
Division Three

POWERINE OIL COMPANY v. S.C. (CENTRAL
Petition for review granted (civil case))

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.,

S113803

H023838 Sixth Appellate District

PEOPLE v. JOHNSON (MICHAEL RAY)
Petition for review granted (criminal case)

Request for judicial notice granted.

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S114097

C040262 Third Appellate District

MACKEY v. DEPARTMENT OF CORRECTIONS
Petition for review granted (civil case)

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S114285

D038550 Fourth Appellate District,
Division One

PEOPLE v. CASPER (DAVID JAMES)
Petition for review granted (criminal case)

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S114375

A096083 First Appellate District,
Division Five

PEOPLE v. BRAXTON
Petition for review granted (criminal case)

Respondent's petition for review granted
Review of the issue raised in defendant's
answer to respondent's petition for review is
granted.

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S114399

H023031 Sixth Appellate District

PEOPLE v. LEAL

Petition for review granted; issues limited (criminal case)

The issue to be briefed and argued is limited to the following: Does the element of "duress" for the purposes of forcible sexual offenses other than rape and spousal rape include within its definition the concept of "hardship" that was deleted from the definition of "duress" for forcible rape and spousal rape (Stats. 1993, ch. 595 § 1), or does the deletion of "hardship" from the definition of "duress" in those statutes apply to the meaning of "duress" for all forcible sexual offenses?

This issue also is pending before the court in *People v. Edmonton*, S112168 (#03-13).

Votes: : George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S114778D038707 Fourth Appellate District,
Division OneSAN DIEGO COUNTY v. ACE PROPERTY &
CASUALTY INSURANCE COMPANY et al.
Petition for review granted (civil case)

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S114148G028565 Fourth Appellate District,
Division ThreeU. K. ABBA PRODUCTS INC. v. NORTHBROOK
NATIONAL INSURANCE COMPANY et al.
Review granted/briefing deferred (rule 29.3) –
civil case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Hameid v. National Fire Insurance Company of Hartford*, S104157 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S114192

B159868 Second Appellate District,
B160828 Division Two

SMITH v. M. D. et al.

Review granted/briefing deferred (rule 29.3) –
civil case

Further action in this matter is deferred
pending consideration and disposition of a
related issue in *Balser v. Wells Fargo Bank*,
S101833 (see Cal. Rules of Court, rule
28.2 (c), or pending further order of the court.
Submission of additional briefing, pursuant to
California Rules of Court, rule 29.1, is
deferred pending further order of the court.

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S113317

B154156 Second Appellate District,
Division Six

CRUZ (EFREN) ON H.C.

Petition for review denied

Kennard, J., Werdegar, J., and Moreno, J., are
of the opinion the petition should be granted.

S113319

G028611 Fourth Appellate District,
G029013 Division Three

CROW IRVINE v. WINTHROP CALIF INVESTORS

Petition for review; CA opinion decertified.

Kennard, J., is of the opinion the petition
should be granted.

S113351

C042534 Third Appellate District

STENSON v. W.C.A.B., DEPT. OF CORRECTIONS

Petition for review denied

S113379

B150973 Second Appellate District,
Division Four

SMITH v. LOS ANGELES COUNTY

Petition for review & depublication request denied

Kennard, J., is of the opinion the petition
should be granted.

S113538

E032252 Fourth Appellate District,
Division Two

RIM OF THE WORLD UNIFIED SCH. DIST. v.

S.C. (KOMAR)

Petition for review denied

S113553

B163145 Second Appellate District,
Division Four

KALANDER v. W.C.A.B.
Petition for review denied

S113577

G030583 Fourth Appellate District,
Division Three

S. (ANTIONETTE), IN RE
Petition for review denied

S113611

D041349 Fourth Appellate District,
Division One

LOBOS v. WCAB (APPAREL SUPPLIES)
Petition for review denied

S113720

B152972 Second Appellate District,
Division Two

DOSHI et al. v. HOLLINSHEAD et al.
Petition for review denied

S113814

F037327 Fifth Appellate District

PEOPLE v. JONES, DWIGHT K.
Petition for review denied

Baxter, J., was recused and did not participate.

S113817

B151432 Second Appellate District,
Division Six

WEBER v. FITZGERALD
Petition for review denied

S113825

G030003 Fourth Appellate District,
Division Three

GROOVER v. HUNTINGTON MARINA ASSOC.
Petition for review denied

S113917

B164901 Second Appellate District,
Division One

CHARTER v. S.C. (UTILITY CONSUMERS)
Petition for review denied

Request for judicial notice granted.

S113952

D038517 Fourth Appellate District,
Division One

UHLICH v. ARCHBOLD
Petition for review denied

S114000

D041403 Fourth Appellate District,
Division One

WOLCOTT v. W.C.A.B. (CHANDLER PACK. INC.)
Petition for review denied

S114017

B150239 Second Appellate District,
B151236 Division One

RINGGOLD v. BAKER
Petition for review denied

S114081

B154218 Second Appellate District,
Division Six

PEOPLE v. FREEMAN
Petition for review denied

S114131

C040075 Third Appellate District

ARBUCKLE-COLLEGE CITY FIRE v. COLUSA
Petition for review denied

S114141

A096686 First Appellate District,
Division Five

PEOPLE v. SOLOMON
Petition for review denied

S114146

B154768 Second Appellate District,
Division Four

WEST HOLLYWOOD v. 1112 INVESTMENT CO.
Petition for review denied

S114163

B156375 Second Appellate District,
Division Two

SHURE v. FOX
Petition for review denied

S114164

G025947 Fourth Appellate District,
Division Three

OPP v. CITY OF HUNTINGTON BEACH
PERSONNE COMM. et al.
Petition for review denied

S114175

B154750 Second Appellate District,
Division Five

PEOPLE v. CHAVEZ
Petition for review denied

S114191

B153258 Second Appellate District,
Division Five

MOSER v. RATINOFF
Petition for review denied

S114198

F040333 Fifth Appellate District

WESTERN MORTGAGE SERVICES v. HARRIS
Petition for review denied**S114207**B144278 Second Appellate District,
Division ThreePEOPLE v. KREITENBERG
Petition for review denied**S114211**

C040751 Third Appellate District

MEZZETTI v. MANTECA UNIFIED SCHOOL
DISTRICT
Petition for review denied**S114216**A099320 First Appellate District,
A099340 Division FourMATA v. MATA
Petition for review deniedMoreno, J., is of the opinion the petition
should be granted.**S114229**B164855 Second Appellate District,
Division FiveJONES v. S.C. (FULLER PROPERTIES)
Petition for review denied**S114236**A097103 First Appellate District,
Division FiveBRENNAN v. BALDINI
Petition for review denied**S114238**E029492 Fourth Appellate District,
E032074 Division TwoPEOPLE v. ISAAC
Petition for review denied**S114254**

F033370 Fifth Appellate District

NORTH KERN WATER STORAGE DISTRICT v.
KERN DELTA WATER DIST.
Petitions for review denied

Baxter, J., was recused and did not participate.

S114257A097492 First Appellate District,
Division TwoMACKEY v. BRISTOL WEST INSURANCE
Petition for review & depublication request deniedKennard, J., and Brown, J., are of the opinion
the petition should be granted.

S114271
H024314 Sixth Appellate District

CHUNG, MARRIAGE OF
Petition for review denied

S114280
A095444 First Appellate District,
Division Five

PEOPLE v. SINGH
Petition for review denied

S114282
F037971 Fifth Appellate District

PEOPLE v. DELOMBA
Petition for review denied

S114295
F038303 Fifth Appellate District

PEOPLE v. WHEELER
Petition for review denied

S114303
B157952 Second Appellate District,
Division Six

PEOPLE v. HARRIS
Petition for review denied

S114304
C039686 Third Appellate District

WESTLY, AS STATE CONTROLLER, etc. v.
PUBLIC EMPLOYEES RETIREMENT
Petition for review & depublication request denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S114311
B159172 Second Appellate District,
Division Six

PEOPLE v. PEREZ
Petition for review denied

S114312
C038386 Third Appellate District

MARTIN v. ALEXANDER
Petition for review denied

S114319
F038673 Fifth Appellate District

PEOPLE v. SIQUEIDO
Petition for review denied

S114335
A098058 First Appellate District,
Division Two

PEOPLE v. COLBY
Petition for review denied

S114345
C039814 Third Appellate District

PEOPLE v. CORDOVA
Petition for review denied

S114346
B164388 Second Appellate District,
Division Eight

MEDICAL BOARD v. S.C. (TORREBLANCA)
Petition for review denied

S114360
H023017 Sixth Appellate District

FERRIS v. CITY OF SAN JOSE
Petition for review denied

S114362
A101616 First Appellate District,
Division Five

DUVERNE v. S.C. (PEOPLE)
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S114364
C040555 Third Appellate District

PEOPLE v. DAVIS
Petition for review denied

Request for judicial notice granted.

S114366
A097496 First Appellate District,
Division Two

P. (EARL), IN RE
Petition for review denied

S114367
D039767 Fourth Appellate District,
Division One

PEOPLE v. FELIX
Petition for review denied

S114369
H022678 Sixth Appellate District

PEOPLE v. CORDOVA
Petition for review denied

S114370
F039646 Fifth Appellate District

PEOPLE v. WESTBROOK
Petition for review denied

S114372
F038029 Fifth Appellate District

PEOPLE v. ROBINSON
Petition for review denied

S114373
F038481 Fifth Appellate District

PEOPLE v. ROBLES
Petition for review denied

S114378

B156965 Second Appellate District,
Division Eight

PEOPLE v. ALVAREZ
Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S114382

A098705 First Appellate District,
Division Five

CHURCH v. PEETOM
Petition for review denied

S114386

B164275 Second Appellate District,
Division One

MARRIOTT INTERNATIONAL v. W.C.A.B.
(SLEMMONS)
Petition for review denied

S114387

B159878 Second Appellate District,
Division Eight

PEOPLE v. MAIDEN
Petition for review denied

S114388

B156259 Second Appellate District,
Division Two

PEOPLE v. MERANO
Petition for review denied

S114391

B156061 Second Appellate District,
Division Two

PEOPLE v. JIMENEZ
Petition for review denied

S114395

B165067 Second Appellate District,
Division Three

ANDERSON (WILLIAM LITTLE) ON H.C.
Petition for review denied

S114396

B156571 Second Appellate District,
Division Seven

MEDIAPOWER INC. v. NATIONAL COUNCIL
AGAINST HEALTH FRAUD et

Petition for review denied

S114397

C040088 Third Appellate District

PEOPLE v. TERRA
Petition for review denied

S114404

B159525 Second Appellate District,
Division Five

G. (JESSE), IN RE
Petition for review denied

S114405

F041402 Fifth Appellate District

R. (J.), IN RE
Petition for review denied

S114406

B159753 Second Appellate District,
Division Five

PEOPLE v. COLEMAN
Petition for review denied

S114413

E030941 Fourth Appellate District,
Division Two

W. (DANIEL), IN RE
Petition for review denied

S114417

C038416 Third Appellate District
C039249

SOUTHGATE RECREATION DISTRICT v.
CALIFORNIA ASSOC. FOR PARK/RECREATION

Petition for review denied

S114418

B163872 Second Appellate District,
Division Five

JANOUSEK v. FERRIS
Petition for review denied

S114420

C039391 Third Appellate District

R. (OMAR), IN RE
Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S114427

F038051 Fifth Appellate District

PEOPLE v. PRADO-AREVALO
Petition for review denied

S114438

F039676 Fifth Appellate District

PEOPLE v. FIGUEROA
Petition for review denied

S114450

G029806 Fourth Appellate District,
Division Three

PEOPLE v. OWEN
Petition for review denied

S114451

F038595 Fifth Appellate District

PEOPLE v. TROUP

Petition for review denied

S114455G029161 Fourth Appellate District,
G029179 Division Three

PEOPLE v. CLOYD

Petitions for review denied

S114456B156829 Second Appellate District,
Division Two

C. (BILLY), IN RE

Petition for review denied

Kennard, J., and Werdegar, J., are of the
opinion the petition should be granted.

S114468

F039294 Fifth Appellate District

PEOPLE v. HOFFMAN

Petition for review denied

S114472B158325 Second Appellate District,
Division Three

PEOPLE v. WASHINGTON

Petition for review denied

S114473

C037053 Third Appellate District

PEOPLE v. SLIGHTOM

Petition for review denied

S114474A101836 First Appellate District,
Division One

AMS STAFF LEASING v. S.C. (ZIEGLER)

Petition for review denied

S114476B163907 Second Appellate District,
Division Three

FREMONT COMPENSATION INSURANCE v.

W.C.A.B. , CALIF. INSURANCE GUARANTEE ASSN.

Petition for review denied

S114481E032803 Fourth Appellate District,
Division Two

BOMATIC, INC v. S.C. (RASH)

Petition for review denied

Werdegar, J., is of the opinion the petition
should be granted.

S114488

F039687 Fifth Appellate District

PEOPLE v. STEPHENS

Petition for review denied

S114516G029162 Fourth Appellate District,
Division Three

PEOPLE v. AVALOS

Petition for review denied

S114529

F040439 Fifth Appellate District

PEOPLE v. GARCIA

Petition for review denied

S114531B157440 Second Appellate District,
Division Two

PEOPLE v. FINCH

Petition for review denied

S114533A099948 First Appellate District,
Division Four

PEOPLE v. PITTMAN

Petition for review denied

S114534

H023458 Sixth Appellate District

PEOPLE v. JARDINEZ

Petition for review denied

S114535

C040321 Third Appellate District

PEOPLE v. SIDES

Petition for review denied

S114562

F040907 Fifth Appellate District

H. (RICKY), IN RE

Petition for review denied

S114580G028695 Fourth Appellate District,
Division Three

PEOPLE v. CARPINELLA

Petition for review denied

S114613G031449 Fourth Appellate District,
Division Three

I. (CHRISTOPHER), IN RE

Petition for review denied

S114699

OLSEN v. W.C.A.B. (TIRPLE A MACHINE SHOP)

Petition for writ of mandate denied

Request for judicial notice denied.

S114730

B164578 Second Appellate District,
Division Four

JONES v. S.C. (CEDAR RIDGE APTS)
Petition for review and application for stay denied

S114877

COLLINS v. CA 2/5 (PEOPLE)
Petition for writ of mandate denied

S115163

D041926 Fourth Appellate District,
Division One

S. (SHARON) v. S.C. (ANNETTE F.)
Petition for review and application for stay denied

S113802

JOHNSON (MICHAEL RAY) ON H.C.
Petition for writ of habeas corpus denied

S112376

C038404 Third Appellate District

SANCHEZ v. YOUTH AUTHORITY
Publication request denied (case closed)

S112431

A094099 First Appellate District,
A096376 Division One
A094100
A096377
A094101
A096378
A094102
A096379
A094103
A096380

PROJECT INFORM v. SWINDELL (TODD)
Publication request denied (case closed)

S112441

A095039 First Appellate District,
Division One

SAN FRANCISCO AIDS FOUNDATION v. BEST
Publication request denied (case closed)

S113118

B153406 Second Appellate District,
Division Five

GRANTHAM v. CALIFORNIA TEACHERS
Publication request denied (case closed)

S113434

G030680 Fourth Appellate District,
Division Three

RACKAUCKAS v. S.C. (LOS ANGELES)
Depublication request denied (case closed)

S114357

B156546 Second Appellate District,
Division Six

MAIN, MARRIAGE OF

Publication request denied (case closed)

S114583

B152515 Second Appellate District,
Division Five

CABRERA v. CITY OF LOS ANGELES

Publication request denied (case closed)

S107355

A096012 First Appellate District,
Division Five

LAMUSGA, MARRIAGE OF

Application to appear as counsel pro hac vice denied

Ohio Attorney Eric H. Zagrans' application.

S114778

D038707 Fourth Appellate District,
Division One

SAN DIEGO COUNTY v. ACE PROPERTY

Application to appear as counsel pro hac vice granted

Jonathan H. Pittman of Washington, DC. To
appear for Respondent ACE Property and
Casualty Insurance Company.

S104157

G026525 Fourth Appellate District,
Division Three

HAMEID v. NATIONAL FIRE INSURANCE

Order filed

Appellant counsel's request to allow two
counsel to present oral argument on behalf of
appellant is granted.

Appellant's request to allocate 20 minutes of
oral argument time to amicus curiae United
Policyholders is granted.

S106718

B152628 Second Appellate District,
Division Four

SAV-ON DRUG STORES v. S.C. (ROCHER)

Order filed

The parties' stipulated request to file
supplemental briefs is granted. Each party
may file a supplemental brief, not exceeding
2,800 words, addressing the impact, if any, of
the decision in *Lockheed Martin Corp. v.*
Superior Court (2003) 29 Cal.4th 1096, by
May 23, 2003.

The request of plaintiffs in *Gardner v.*
American Stores Company (Los Angeles

Super. Ct. No. BC227720) to file a reply brief is denied. The court shall file the proposed brief as a brief amicus curiae. The request of amicus curiae the Employers Group to order the Court of Appeal's opinion published is denied. (See Cal. Rules of Court, rule 976(d).)

S109219

C037645 Third Appellate District

DEPARTMENT OF FINANCE v. COMM. ON
STATE MANDATES (KERN HIGH SCH. DIST.)
Order filed

The parties are directed to file supplemental letter briefs, addressing the following questions:

Is a school district precluded from using a portion of the funds obtained from the state for the implementation of any of the underlying funded programs at issue in this case, to pay the associated notice and agenda costs at issue in this case? Does the Bilingual-Bicultural Education program authorize school districts to do so? (See Educ. Code #52168, subd. (b) ["School districts may claim funds appropriated for purposes of this article for expenditures in, but not limited to, the following categories: ... (6) Reasonable district administrative expenses ..."].) If so, is there any indication that the Legislature has mandated a different rule for any of the other programs here at issue? Simultaneous supplemental letter briefs shall be served and filed in the San Francisco office of the Supreme Court on or before Wednesday, April 30, 2003.

Simultaneous response briefs may be served and filed in the San Francisco office of the Supreme Court on or before Monday, May 5, 2003.

S113371

SLAUGHTER (MICHAEL COREY) ON H.C.
Application to file document under seal denied

Petitioner's "Request for Permission to File Timeliness Section of Habeas Corpus Petition Ex Parte and Under Seal," filed on

February 6, 2003, is denied.

The clerk is directed to return to petitioner, unfiled, "Petition for Writ of Habeas Corpus: Confidential Timeliness Allegations."

Petitioner may file and serve "Petition for Writ of Habeas Corpus: Confidential Timeliness Allegations," or a substitute, on or before May 7, 2003.

C040769 Third Appellate District

PEOPLE v. COPELAND (DAVID B.)
Order filed

The time for granting review on the court's own motion is hereby extended to and including June 4, 2003. (Cal. Rules of Court, rule 28(a)(1).)

